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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/071,587	02/08/2002	Joseph J. Pantuso	NA11P096/02.015.01	2682
28875	7590	11/18/2004	EXAMINER	
Zilka-Kotab, PC P.O. BOX 721120 SAN JOSE, CA 95172-1120			TRUONG, LECHI	
			ART UNIT	PAPER NUMBER
			2126	
DATE MAILED: 11/18/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/071,587

Applicant(s)

JOSEPH

Examiner

LeChi Truong

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02082002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 06/24/2002 6) ☐ Other:

### DETAILED ACTION

1. Claims 1-24 are presented for the examination.

#### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 2-6, 9-13, 16-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. The following claim language is not clearly defined.

(i) As per claims 2-6, 9-13, 16-20, they are not clearly indicated what is the functional of a portable executable (PE) image and why a wrapper adapted has to compress the data in a portable executable (PE) image and where the portable executable comes from or belongs to.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6, 8-13, 15-20 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mooeller et al (US. Patent 5,473,777) in view of Admitted Prior Art (APA).

4. **As to claim 1**, Moeller teaches the invention substantially as claimed including: a group of application (application 130,132, 134, col 6, ln 48-50/ Fig. 1), a first application programming interface (function calls, col 6, ln 51-53), a second application programming interface (procedural function calls, col 10, ln 30-31), selecting application from a group of application adapted for working (col 6, ln 9-15), conjunction with application programming interface to gain access (col 6, ln 45 –54), installing a second application programming interface adapted for precluding the applications from accessing ( col 8, ln 3-10), wrapping the selecting application for allowing the selected applications to access the network via the second application program interface( col 10, ln 25-32).

5. Moeller does not explicit teach network. However, APA teaches Network (network, page 2, ln 24-25).

6. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Moeller and APA because APA's network would provides access of various applications to the network such as a WAN or the internet.

7. **As to claim 2**, Mooeller teaches compressing data in a portable executable image (col 10, ln 22-25).

8. **As to claim 3**, APA teaches extractor the data in the PE image (page 1, ln 21-23).

9. **As to claim 4**, Mooeller teaches the extractor code is further adapted for interfacing with the second application program interface (col 9, ln 1-5). The extractor code is wrapper for implementing the API of the class library.

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10. As to claim 5, Mooeller teaches the wrapper is further adapted for identifying a location in memory (col 24, ln 28-32).

11. As to claim 6, Mooeller teaches the location in memory is where a routine is stored for allowing the selected applications to access the network (col 9, ln 17-20).

12. As to claims 8-13, 15-20 and 22-24, they are apparatus claims of claims 1-6; therefore, they are rejected for the same reasons as claims 1-6 above.

13. Claims 7, 14 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mooeller et al (US. Patent 5,473,777) in view of Admitted Prior Art (APA) and further in view of Alexander et al (US. Patent 6,748,343 B2).

14. As to claim 7, Mooeller and APA do not teach a user to select the application to be allowed to access the network. However, Alexander teaches a user to select the application to be allowed to access the network (a user interface for obtaining a user selection of client, premises, location, monitoring device... and to transmit the data to the processing server, col 19, ln 53-56).

15. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Mooeller, APA and Alexander because Alexander's a user to select the application to be allowed to access the network would transmits the user selection to a processing server which configures one or more monitoring devices.

16. As to claims 14, 21, they are apparatus claims of claim 7; therefore, they are rejected for the same reasons as claim 7 above.

### ***Conclusion***

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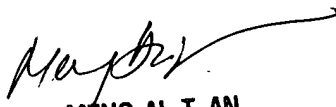
Any inquiry concerning this communication or earlier communications from the examiner should be directed to LeChi Truong whose telephone number is ( 571) 272 3767. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIP. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

LeChi Truong

November 9, 2004

  
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